

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**AUGUST 9, 2011**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, August 9, 2011.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church of Muskegon after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Clara Shepherd, Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

#### **2011-55 CONSENT AGENDA:**

##### **A. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve minutes of the City Commission Meeting that was held on Tuesday, July 26, 2011.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Brownfield Consulting Services – Envirologic Technologies, Inc. Proposal. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The City's Brownfield consultant, Anne Couture, is taking a position in Lansing. The City has been working with Envirologic Technologies, Inc. on current Brownfield site assessment projects. Since Envirologic has extensive experience with Brownfield Redevelopment Authorities and positive interaction with both the MDEQ and the USEPA, they were requested to submit a proposal to continue with the consulting services that Ms. Couture has been providing up to this point.

FINANCIAL IMPACT: The majority of services provided by Envirologic will be financed through existing (and potentially future) grant funds, as well as through Brownfield Plan fees. There will be some funds paid through the City's general fund, which is the case currently with Ms. Couture.

BUDGET ACTION REQUIRED: None, the 2011-12 Planning budget includes funds for this type of consulting service.

STAFF RECOMMENDATION: To approve the "Proposal for Completion of Brownfield Consulting Services" from Envirologic Technologies, Inc. and authorize the Mayor to sign the "Proposal".

**C. Certification of MERS Representatives. FINANCE**

SUMMARY OF REQUEST: The MERS plan document provides that "the governing body for each municipality shall certify the names of two delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality."

The City's bargaining units have agreed to a rotating system (based on date of joining MERS) to select one official employee representative. This year the official employee representative attending the MERS conference will be Jeff Balon from the DPW517 union.

FINANCIAL IMPACT: Registration for the MERS conference in Traverse City is \$185 per person. Additionally, mileage and lodging costs will be incurred.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Certification of Tim Paul and Jeff Balon to be the City's officer and employee delegates at the MERS annual meeting in Traverse City September 27 – 29.

**D. Request to Apply for the Certified Local Government Status from the Michigan Historic Center. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Becoming a Certified Local Government will give the City access to more historic rehabilitation grants and free educational workshops. The current historic preservation ordinance was recently revised to meet the criteria required for certification by the Michigan Historic Center. There is no application fee for this certification.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval to apply for the Certified Local Government from the Michigan Historic Center and for the Mayor to sign the

cover letter.

**E. Consideration of Bids for Parking Lot at L. C. Walker Arena.**  
ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Michigan Paving & Materials to mill and resurface the northerly parking lot of L. C. Walker Arena (between Shoreline Drive & L. C. Walker Arena) at a cost of \$20,190 for all labor, material and equipment necessary to perform the aforementioned work. Michigan Paving & Materials was the lowest responsible bidder out of the three contractors solicited to bid on this project.

The bids are without prevailing wages and bonds but they are required to provide general liability insurance naming the City as an additional insured.

FINANCIAL IMPACT: The construction cost of \$20,190 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: This project, if approved, would have to be added to the 2011/2012 budget in a future quarterly budget re-forecast.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Michigan Paving & Materials to mill and resurface the parking lot.

**F. Engineering Services Agreement to Upgrade Traffic Signal at Getty and Evanston.** ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Progressive A/E to perform the necessary design and preparation of specifications and construction documents to upgrade the traffic signal at Getty and Evanston for a not to exceed fee of \$8,815.

FINANCIAL IMPACT: Cost of surveying, design, specifications and construction engineering, \$8,815. The construction will be mostly covered by a CMAQ grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Progressive.

**G. Burgess-Norton.** CITY MANAGER

SUMMARY OF REQUEST: To approve a Memorandum of Understanding with Burgess-Norton to provide access to City property for environmental investigation purposes and to reimburse the City for irrigation system costs.

FINANCIAL IMPACT: Reimbursement of costs associated with irrigation systems and property access.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Memorandum of Understanding.

**H. Appointments to Various Boards and Committees.** CITY CLERK

SUMMARY OF REQUEST: To appoint Reverend Phillips representing Ward II, and Rosalind Ford as a citizen at large to the Community Development Block Grant-Citizen's District Council; Tim Taylor as a member with property interest to the Downtown Development Authority; Catherine Young to the Income Tax Board of Review as a resident; and Deborah Crockett, Rosalind Ford, and Catherine Young to the Local Officer's Compensation Commission as citizens.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the appointments.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the appointments at their August 8<sup>th</sup> meeting.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the consent agenda as read.**

**ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron**

**Nays: None**

***MOTION PASSES***

**2011-56 UNFINISHED BUSINESS:**

**A. SECOND READING: Encroachment Ordinance Amendment.** CITY CLERK

SUMMARY OF REQUEST: This request is to amend Chapter 74, Article V of the Code of Ordinances by adding sections 74-200 through 74-214.

Under the proposed ordinance all encroachments will expire August 31, 2011, and will require renewal on or before September 1<sup>st</sup> of each year.

There are currently 130 encroachments on file. For 2011, all applicants will be given a 30-day extension until September 30, 2011, given the short notice.

FINANCIAL IMPACT: New proposed fees are \$25 if an annual inspection is not required and a \$50 fee if an annual inspection is required. A late fee of \$25 will be imposed every 30 days.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the ordinance amendment.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the encroachment ordinance amendment.**

**ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron,**

and Shepherd

Nays: None

**MOTION PASSES**

**2011-57 NEW BUSINESS:**

**A. Approval of Sale of City-Owned Home at 1891 Wood. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Ms. Crystal Cervantes for the totally rehabilitated home at 1891 Wood Street, which is part of the City's Neighborhood Stabilization Program through the Michigan State Housing Development Authority Office of Community Development. Ms. Cervantes purchase price is \$50,000. The beautiful three-bedroom, two-bath home was previously vacant.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of vacant houses through NSP to sustain our current investments to stabilize and revitalize neighborhoods.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

**Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the sale of the City-owned home at 1891 Wood to Ms. Crystal Cervantes.**

**ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro**

**Nays: None**

**MOTION PASSES**

**B. Great Lakes Die Cast Financing Subordination. CITY MANAGER**

SUMMARY OF REQUEST: Great Lakes Die Cast has a loan with the City and has asked that the City give up its lien on the company's receivables so it can re-finance with Wells Fargo.

FINANCIAL IMPACT: This impacts our security.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To continue the lien and subordinate the loan to the refinancing with Wells Fargo, and authorize the Mayor and Clerk to execute necessary documents. This is acceptable to the company.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve**

the Great Lakes Die Cast financing subordination as presented.

**ROLL VOTE:** Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Public comments received.

**ADJOURNMENT:** The City Commission Meeting adjourned at 5:50 p.m.

Respectfully submitted,

Ann Marie Becker, MMC  
City Clerk